

**IN THE UNITED STATE PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: : Carel J.L. Van Driel

For: : COMMUNICATIONS NETWORK USING
: DIFFERENT TRANSMISSION PROPERTIES

Serial No. : 10/780,473

Filed : February 17, 2004

Art Unit : 2616

Examiner : Jain, Raj K.

Attorney Docket No. : PHN16-613A

Confirmation No. : 1391

APPEAL BRIEF

Mail Stop Appeal Brief Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed October 15, 2008 and in response to the Advisory Action of October 10, 2008 and final Office Action of July 14, 2008.

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I. REAL PARTY IN INTEREST

The party in interest is the assignee, Koninklijke Philips Electronics, N.V. The assignment document is recorded at Reel 014993 and Frame 0473.

II. RELATED APPEALS AND INTERFERENCES

Following are identified any prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal:

There are no related appeals and interferences.

III. STATUS OF CLAIMS

- a) Claims 11-18 stand rejected and are the subject of this appeal.
- b) Claims 1-10 are cancelled.
- c) Claims 11, 15 and 16 are independent.

IV. STATUS OF AMENDMENTS

The claims listed in section "VIII. Claims Appendix" of this Appeal Brief correspond to the claims as submitted in Appellant's response filed September 16, 2008, where no claim amendments were submitted. All Amendments filed in this application have been entered and there are none pending.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention, as recited in claim 11, is directed to a communication network (Fig. 1) including a plurality of secondary nodes (NT) being coupled to at least one primary node (Fig. 2; NCN ,12,15). A transmitter for transmitting packets from the secondary nodes to the primary node (e.g. NCN 12) according to predetermined transmission properties, and a first address translator (6) for translating initial address information carried by packets received from at least one terminal device (e.g. 34, 36, 38, 46, 48) into address information carrying information about: (a) the predetermined transmission properties to be used for transmitting the associated packets, and (b) a destination node (12); and a second address translator (10) for translating the address information back into the initial address information. See page 3, line 23 to page 5, line 34.

The claimed invention, as recited in claim 15, is directed to a destination node (12) for communication in a communication system having a plurality of source nodes, (e.g. 46, 48) arranged for transmitting of packets containing initial address information such that a source node (e.g. 46, 48) that is sending a packet performs a first address translation providing information within the packet header designating the address of the destination node and predetermined transmission properties to be used for transmitting the associated packets, wherein the destination node (12) is arranged to perform a second address translation, translating the address of the destination node back into the initial address information. See page 6, line 20 to page 7, line 31.

The claimed invention, as recited in claim 16, is directed to a communication method comprising transmitting packets according to predetermined transmission properties; translating initial address information carried by packets received from at least one terminal device into address information carrying information about the transmission properties to be used for transmission of the packets (Fig. 3; page 6, lines 1 to 19), and translating said address information back into the initial address information at a destination node (Fig. 5; page 7, line 32 to page 8, line 22).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether Claims 11 and 13-18 are properly rejected under 35 U.S.C. 103(a) as over Lancelot et al. (USP 6,026,086) (hereinafter "Lancelot") in view of Hamamoto et al. (USP 6,038,233) (hereinafter "Hamamoto").
2. Whether Claim 12 is properly rejected under 35 U.S.C. § 103(a) over Lancelot in view of Aramaki (USP 5,483,521).

VII. ARGUMENT

Appellant respectfully traverses the rejections in accordance with the detailed arguments set forth below.

A. Claims 11 and 13-18 are not properly rejected under 35 U.S.C. 103(a) as unpatentable over Lancelot in view Hamamoto.

Claim 11

Independent Claim 11 recites, in part: “a first address translator for translating initial address information carried by packets received from at least one terminal device into address information carrying information about:

(a) the predetermined transmission properties to be used for transmitting the associated packets” (emphasis added).

The Examiner is apparently equating the translating of initial address information into address information, as described in Lancelot, as being equivalent to the claimed invention. The Examiner admits that Lancelot does not teach any predetermined transmission properties and points to Hamamoto.

Appellant contends that, even assuming arguendo, that Lancelot and Hamamoto teach or suggest features as described by the Examiner, there is no suggestion whatsoever of address information carrying information about predetermined transmission properties to be used for transmitting the associated packets, as more particularly claimed by appellant.

Hamamoto may define a number of properties as described by the Examiner in the Advisory action, however, as is clearly described in Hamamoto, and admitted by the Examiner in the Advisory, the QoS information in Hamamoto is defined as a separate

field which stores information indicative of a service quality. Hamamoto does not suggest address information carrying information about the predetermined transmission properties; Hamamoto clearly teaches a separate field for the information indicative of a service quality.

In the "Response to Arguments" section of the final Office action it is argued that the "service type" field in Hamamoto teaches a field that stores information indicative of a service quality of communication processing. Even assuming arguendo that this assertion is correct, there is no disclosure nor suggestion of converting an address to an address information carrying service type information. Nowhere does Hamamoto describe that the service type information is address information or even related to address information. In fact, Hamamoto teaches the service type is a completely separate field than the address information and not even related to the address information.

In response to appellant's above argument, it is contended on page 5 of the final Office action, "Response to Arguments" section, that Lancelot teaches an address translator, which translates an address and Hamamoto discloses a packet carrying the predetermined transmission properties and a service field.

However, simply pointing to an address translator and a separate service type field does not even suggests the above claimed features. Converting an address to a different address as apparently taught by Lancelot and having a service type field in a header as suggested in Hamamoto does not suggest to one skilled in the art a first address translator for translating initial address information carried by packets received from at least one terminal device into address information carrying information about: (a) the predetermined transmission properties to be used for transmitting the associated

packets, as particularly recited in claim 1.

Therefore, neither of Lancelot or Hamamoto teaches or even suggests at least the above claimed features and, for at least the foregoing reasons, appellant respectfully submits that a *prima facie* case of obviousness according to MPEP 2142 has not been established and the rejection should be reversed. Accordingly, appellant respectfully submits that claim 11 is allowable and the rejection should be reversed by the Board.

Dependent Claims 13-14 and 17-18

Dependent Claims 13-14 and 17-18 depend upon allowable claim 11. Each includes all the features of claim 11 as discussed above. Appellant essentially repeats the above argument for each dependent claim.

Thus, claims 13-14 and 17-18 are allowable at least by virtue of their dependency from claim 11 and because each claim further recites distinguishing features. Thus, it is respectfully requested the Board reverse the rejection of these dependent claims.

Claim 15

Independent Claim 15 recites in part a “first address translation providing address information within the packet header designating the address of the destination node and predetermined transmission properties to be used for transmitting the associated packets.”

The analysis of independent claim 15 is substantially analogous to the analysis of claim 11, as presented hereinabove. To avoid repetition, claim 15 will not be discussed in detail with the understanding that it is patentable at least for the same reasons as

claim 11. The Examiner does not provide any clarifying argument with regard to this claim and points to the rejection of claim 11. Appellant, therefore, respectfully submits that the rejection of claim 15 should be reversed by the Board.

Claim 16

Independent Claim 16 recites in part a “communication method comprising ... translating initial address information carried by packets received from at least one terminal device into address information carrying information about the transmission properties to be used for transmission of the packets.”

The analysis of independent claim 16 is substantially analogous to the analysis of claim 11, as presented hereinabove. To avoid repetition, claim 16 will not be discussed in detail with the understanding that it is patentable at least for the same reasons as claim 11. The Examiner does not provide any clarifying argument with regard to this claim and points to the rejection of claim 11. Appellant, therefore, respectfully submits that the rejection of claim 16 should be reversed by the Board.

B. Claim 12 is not properly rejected under 35 U.S.C. 103(a) as unpatentable over Lancelot in view Aramaki.

Since claim 12 depends from claim 11, Appellant respectfully submits that the rejection of claim 12 should be reversed as Lancelot fails to teach or suggest all the features of claim 11 as admitted in the final Office Action (see bottom of page 2 of the final Office Action).

For Example, Lancelot fails to teach at least: “(a) the predetermined transmission properties to be used for transmitting the associated packets.” This feature is not even

remotely suggested by Aramaki, nor does the Examiner even address the feature.

Thus, Appellant respectfully requests that the Board reverse the rejection of claim 12 as being unpatentable over Lancelot in view of Aramaki.

Conclusion

For at least all of the reasons discussed above, Appellant respectfully submits that the rejections are in error and that claims 11-18 are in condition for allowance. Thus, for at least all of the above reasons, Appellant respectfully requests that this Honorable Board reverse the rejections of claims 11-18.

Respectfully submitted,

Date: December 15, 2008

By: /Brian S. Myers/
Brian S. Myers
Attorney for Appellant
Reg. No. 46,947

For: Ed Goodman
Reg. No. 28613
Philips Electronics N.A. Corporation

Please direct all future correspondence to:
Ed Goodman, Esq.
Senior IP Counsel
Philips Intellectual Property & Standards
P.O. Box 3001
Briarcliff Manor, NY 10510-8001

VIII. CLAIMS APPENDIX

1-10.(cancelled)

11.(previously presented) A communication network including a plurality of secondary nodes being coupled to at least one primary node, comprising:

a transmitter for transmitting packets from the secondary nodes to the primary node according to predetermined transmission properties;

a first address translator for translating initial address information carried by packets received from at least one terminal device into address information carrying information about:

(a) the predetermined transmission properties to be used for transmitting the associated packets, and

(b) a destination node; and

a second address translator for translating the address information back into the initial address information.

12.(previously presented) The communication network as claimed in Claim 11, further comprising a selector for selecting packets according to address information in their header, the transmitter transmitting the packets with the transmission properties dependent on the selection performed by the selector.

13.(previously presented) The communication network as claimed in Claim 11, wherein the primary node comprises the second address translator.

14.(previously presented) The communication network as claimed in Claim 11, further comprising a cross connect for passing packets from the secondary nodes to an outside network, wherein the second address translator is arranged for translating the address information before the packets are applied to the cross connect.

15.(previously presented) A destination node for communication in a communication system having a plurality of source nodes arranged for transmitting packets containing initial address information, such that a source node that is sending a packet performs a first address translation providing address information within the packet header designating the address of the destination node and predetermined transmission properties to be used for transmitting the associated packets, wherein the destination node is arranged to perform a second address translation, translating the address of the destination node back into the initial address information.

16.(previously presented) A communication method, comprising:

- transmitting packets according to predetermined transmission properties;
- translating initial address information carried by packets received from at least one terminal device into address information carrying information about the transmission properties to be used for transmission of the packets; and
- translating said address information back into the initial address information at a

destination node.

17.(previously presented) The communication network as claimed in Claim 11, wherein the second address translator translates the address information back into the initial address information present in the packets received by the secondary nodes from the at least one terminal device.

18.(previously presented) The communication network as claimed in Claim 11, wherein the predetermined transmission properties to be used for transmitting the associated packets include a quality of service.

IX. EVIDENCE APPENDIX

A copy of the following evidence 1) entered by the Examiner, including a statement setting forth where in the record the evidence was entered by the Examiner, 2) relied upon by the Appellant in the appeal, and/or 3) relied upon by the Examiner as to the grounds of rejection to be reviewed on appeal, is attached:

NONE.

X. RELATED PROCEEDINGS APPENDIX

Copies of relevant decisions in prior or pending appeals, interferences or judicial proceedings, known to Appellant, Appellant's representative, or the Assignee, that may be related to, or which will directly affect or be directly affected by or have a bearing upon the Board's decision in the pending appeal are attached:

NONE